

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Cynthia Bruce,

Plaintiff,

VS.

Ladies Choice Fitness Center (Columbia) Inc.; Ladies Choice Fitness Center (Landmark) Inc.; Ladies Choice Fitness Center (MI) Inc.; and John Holladay,

Defendants.

C/A No.: 3:12-2678-JFA-SVH

ORDER

This matter is before the court on the motion of Bryn C. Sarvis to withdraw as counsel for defendants Ladies Choice Fitness Center (Columbia) Inc. (“LCFCC”) and John Holladay. [Entry #47].

Ms. Sarvis's motion to withdraw represents that defendants LCFCC and Holladay consent to Ms. Sarvis being relieved as counsel and their consent is indicated on an attachment to the motion. [Entry #47]. Ms. Sarvis also represents that she has advised LCFCC that it cannot proceed in this matter without counsel admitted in the District of South Carolina. [Entry #49]. It is therefore ordered that Ms. Sarvis and Sarvis Law, LLC, are hereby relieved as counsel of record for defendants LCFCC and Holladay and shall have no further responsibility for them in this matter. Attorney Bryn Sarvis of Sarvis Law, LLC, shall serve this order on defendants LCFCC and Holladay and shall provide the court with an affidavit of said service.

Defendant John Holladay

The court directs defendant Holladay to notify the court by May 20, 2013, of the identity of the new attorney(s) he retains to represent him in this case or, alternatively, of his desire to proceed with this litigation pro se, i.e., without an attorney. To this end, defendant Holladay shall, by May 20, 2013, complete the attached notice and mail it to the Clerk of Court at the address indicated. If defendant Holladay fails to file the attached letter with the Clerk within the time prescribed, the court will consider him as proceeding pro se.

Defendant Holladay is specifically advised that, if no new attorney is obtained to represent his interests, the court will expect this litigation to be conducted in accordance with all provisions of the Federal Rules of Civil Procedure and that the court is unable to provide him with legal advice. Defendant Holladay is directed to consult the Pro Se Guide available on the District Court's website at www.scd.uscourts.gov under the "pro se" tab. Failure to comply with court rules could have serious consequences including, but not limited to, striking a defense, striking a pleading, and/or holding the party in default.


Defendant Ladies Choice Fitness Center (Columbia) Inc.

It is well settled that pro se litigants, regardless of the nature of their connection to a corporation as an officer or shareholder, cannot legally represent corporations in this court. Corporations may only appear in this federal court and litigate through a licensed attorney who is formally admitted to practice and in good standing with this court. *See Days Inn Worldwide, Inc. v. JBS, Inc.*, C/A No. 4:08-1771-TLW-TER, 2010 WL 625391,

at *2 (D.S.C. Feb. 19, 2010); *see also First Hartford Corp. Pension Plan & Trust v. United States*, 194 F.3d 1279, 1290 (Fed. Cir. 1999) (*pro se* actions by non-attorneys on behalf of corporations “fail for lack of standing”); *Pridgen v. Andresen*, 113 F.3d 391, 392–93 (2d Cir. 1997) (*pro se* litigant may not represent corporation, estate, partnership, or “his or her minor child”). Therefore, LCFCC must retain counsel in this matter. LCFCC’s new counsel must enter an appearance by May 20, 2013. Should LCFCC fail to comply with this order, the undersigned will recommend default be entered against it.

For the foregoing reasons, Ms. Sarvis’s motion to withdraw [Entry #47] is granted.

IT IS SO ORDERED.



April 18, 2013
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

Name: John Holladay

Address _____

Clerk of Court
United States District Court
901 Richland Street
Columbia, South Carolina 29201

***In Re: 3:12-2678-JFA-SVH Cynthia Bruce v. Ladies Choice Fitness Center
(Columbia) Inc., et al.***

Dear Mr. Propes:

In response to the order of Judge Hodges dated April 18, 2013, I wish to advise as follows:

- _____ 1. I, John Holladay, have obtained a new attorney to personally represent me in this matter. His [or her] name, address, and telephone number are as follows:

OR

- _____ 2. I, John Holladay, have **NOT** obtained a new attorney and will represent myself in this matter. I understand that I cannot represent Ladies Choice Fitness Center (Columbia) Inc., which must be represented by counsel. I request that the Clerk of Court direct all notices and pleadings to me at the above address. I understand that I am obligated to comply with all provisions of the Federal Rules of Civil Procedure and to keep the Clerk of Court informed as to my proper address.

Signature

Date

Printed Name